

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|                        |   |                               |
|------------------------|---|-------------------------------|
| WARD O'QUINN           | ) | )                             |
|                        | ) | Civil Action No. 1:10-cv-2361 |
| Plaintiff              | ) | )                             |
|                        | ) | )                             |
| vs.                    | ) | )                             |
|                        | ) | )                             |
| RECOVERY PARTNERS, LLC | ) | )                             |
|                        | ) | )                             |
| Defendant              | ) | )                             |
|                        | ) | )                             |

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**RESPONSE TO REPORT AND RECOMMENDATION**

The undersigned, Brent F. Vullings, Esquire, Attorney for Plaintiff in this matter, has received the Report and Recommendation of United States Magistrate Judge Martin C. Carlson with regard to assessment of damages, costs and fees pursuant to Plaintiff's request for entry of a default judgment in his favor. The undersigned provides the following response with regard to this Honorable Court's Recommendation.

While calling the Court's attention to page 13 of the Recommendation, under the second paragraph of section (a) Hourly Rate Calculation, wherein Your Honor references that "*...we find that our own assessment of fee award hourly rates approved by the courts in this district suggests that an attorney of plaintiff counsel's background, and experience in this particular legal marketplace typically commands a fee rate of between \$200 and \$300.*" the undersigned respectfully notes to the Court that other distinguished Judges of this same district have recently awarded the undersigned an hourly rate of \$325.00 per hour on similar FDCPA matters.

Motions for Entry of Default have been filed by the undersigned in this district on several other similar matters in the recent past, including Jennifer A. Lyon-Croftcheck v.

CRA Collections, Inc., USDC MD PA, C.A. No. 1:10-cv-0684; Matthew Crowell v. Regent Management Asset Solutions, Inc., USDC MD PA C.A. No. 1:cv-10-1029; Sophie Post v. First Revenue Assurance, LLC, USDC MD PA C.A. No. 1:10-cv-1054; and Louis Salerno v. Vision Financial Corp., USDC MD PA C.A. No. 1:10-cv-1335. In each case, the Court granted Plaintiff's Motion for Default and entered an Order for default judgment against Defendant. The Court granted the undersigned attorney's fees and costs at the hourly rate of \$325.00 as set forth in Motion for Default filed in the instant case, which the Court deemed reasonable. In fact, in Salerno v. Vision Financial Corp., the May 20, 2011 Order entered by the Honorable Christopher C. Conner states in part “...and the court concluding that, given counsel for plaintiff's experience filing Fair Debt Collection Practices Act claims (see Doc. 12-2 ¶ 4-6), the requested attorney's fees and costs are reasonable under the circumstances...”.

For the reasons set forth above and the premise that \$325.00 per hour is a reasonable rate considering the extensive experience of the undersigned in these matters, it is respectfully requested that this Honorable Court award attorneys fees at the rate of \$325.00 per hour in this matter.

Respectfully submitted,

BY: /s/ Brent F. Vullings  
Brent F. Vullings, Esquire  
Attorney for Plaintiff

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